

Regular Session, 2014

HOUSE BILL NO. 247

BY REPRESENTATIVES ORTEGO AND DANAHAY

AGRICULTURE/MILK: Authorizes the sale of raw milk by a farmer to a consumer

1 AN ACT

2 To amend and reenact R.S. 40:921(A) and 922(A) and to enact Subpart C of Part VII of  
3 Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of  
4 R.S. 40:931 through 936, relative to the sale of milk; to authorize the sale of raw cow  
5 milk; to authorize the sale of raw goat milk; to establish sanitary regulations for the  
6 production of goat milk; to authorize the sale of cheeses made from raw milk; to  
7 provide for labeling requirements; to provide for rulemaking authority; and to  
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:921(A) and 922(A) are hereby amended and reenacted and  
11 Subpart C of Part VII of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950,  
12 comprised of R.S. 40:931 through 936, is hereby enacted to read as follows:

13 §921. Grade A requirements; powdered whole milk and powdered skim milk  
14 labeling requirements

15 A. ~~All~~ Except for the sale of raw milk pursuant to R.S. 40:931 et seq., all  
16 fluid milk, cream, buttermilk, and milk beverages sold, offered for sale, or delivered  
17 for the purpose of human consumption as such, shall be Grade A according to  
18 specifications in the rules and regulations promulgated by the Department of Health  
19 and Hospitals, hereinafter referred to as the "department"; provided that a person



1        §932. Incidental sales of raw milk permitted; location; advertising

2                Notwithstanding any provision of law to the contrary, nothing in this Part  
3        shall be construed to prohibit incidental sales of goat milk or whole milk that has not  
4        been pasteurized, for the purpose of human consumption, directly to consumers at  
5        the farm where the milk is produced or preclude the advertising of incidental sales  
6        of goat milk or whole milk that has not been pasteurized.

7        §933. Sale of whole milk that has not been pasteurized; labeling

8                A. With respect to whole milk that has not been pasteurized, the seller shall  
9        do all of the following:

10                (1) Post at the point of sale a sign that is no smaller than two feet by four feet  
11        that includes all of the following information in large, clear text:

12                (a) The name and address of the farm with the seller's contact information.

13                (b) The following statement: "This product, sold for personal use and not  
14        for resale, is fresh whole milk that has NOT been pasteurized. Neither this farm nor  
15        the milk sold by this farm has been inspected by the state of Louisiana. The  
16        consumer assumes all liability for health issues that may result from the consumption  
17        of this product."

18                (2) Affix a label to the bottle or package that includes all of the following  
19        information:

20                (a) The name and address of the farm with the seller's contact information.

21                (b) The following statement: "This product, sold for personal use and not  
22        for resale, is fresh whole milk that has NOT been pasteurized. Neither this farm nor  
23        the milk sold by this farm has been inspected by the state of Louisiana. The  
24        consumer assumes all liability for health issues that may result from the consumption  
25        of this product."

26                B. A farmer who sells fresh unpasteurized whole milk shall permit  
27        inspection of the farmer's cows and barns by any customer upon request.

1        §934. Sale of goat milk that has not been pasteurized; labeling

2            A. Incidental sales of goat milk that has not been pasteurized shall not be  
3 prohibited if all of the following conditions are met:

4            (1) The milk is sold directly to the consumer on the premises where the milk  
5 is produced.

6            (2) No more than nine producing goats are located on the premises where the  
7 milk is produced.

8            (3) All of the following conditions, which apply to the milking of goats  
9 involved in legal incidental sales of raw goat milk, are satisfied:

10           (a) The milking takes place in a clean environment on a cement or  
11 comparable floor.

12           (b) The milking place is enclosed by a wall or screen to prevent insects from  
13 entering the milking area.

14           (c) A fly trap is located in the milking area.

15           (d) Sterile containers are used in the milking process and for storage.

16           (4)(a) A sign is posted at the point of sale that is no smaller than two feet by  
17 four feet that includes all of the following information in large, clear text:

18           (i) The name and address of the farm with the seller's contact information.

19           (ii) The following statement: "This product, sold for personal use and not  
20 for resale, is fresh goat milk that has NOT been pasteurized. Neither this farm nor  
21 the milk sold by this farm has been inspected by the state of Louisiana. The  
22 consumer assumes all liability for health issues that may result from the consumption  
23 of this product."

24           (b) There is a label affixed to the bottle or package that includes all of the  
25 following information:

26           (i) The name and address of the farm with the seller's contact information.

27           (ii) The following statement: "This product, sold for personal use and not  
28 for resale, is fresh goat milk that has NOT been pasteurized. Neither this farm nor  
29 the milk sold by this farm has been inspected by the state of Louisiana. The

1 consumer assumes all liability for health issues that may result from the consumption  
2 of this product."

3 B. Raw goat milk may be stored in a separate sterile place from pasteurized  
4 goat milk.

5 C. A farmer who sells fresh unpasteurized goat milk shall permit inspection  
6 of the farmer's goats and barns by any customer upon request.

7 §935. Sale of cheese made from raw milk; location; labeling

8 A. Notwithstanding any other provision of law to the contrary, cheese made  
9 from goat milk or whole milk that has not been pasteurized may be sold or offered  
10 for sale for the purpose of human consumption if all of the following conditions are  
11 met:

12 (1) The cheese is cured at a temperature of not less than thirty-five degrees  
13 Fahrenheit for not less than sixty days.

14 (2) The cheese is offered for sale by the cheese producer directly to the  
15 consumer only on the premises of the farm where the cheese is produced.

16 (3) A sign is posted at the point of sale that is no smaller than two feet by  
17 four feet that includes all of the following information in large, clear text:

18 (a) The name and address of the farm with the seller's contact information.

19 (b) The following statement: "This product, sold for personal use and not  
20 for resale, is cheese made from goat milk or whole milk that has NOT been  
21 pasteurized. Neither this farm nor the milk sold by this farm has been inspected by  
22 the state of Louisiana. The consumer assumes all liability for health issues that may  
23 result from the consumption of this product."

24 (4) The cheese producer has clearly labeled each container of cheese made  
25 from goat milk or whole milk that has not been pasteurized with the following  
26 information:

27 (a) The name and address of the farm with the seller's contact information.

28 (b) The following statement: "This product, sold for personal use and not  
29 for resale, is cheese made from goat milk or whole milk that has NOT been

1        pasteurized. Neither this farm nor the cheese sold by this farm has been inspected  
 2        by the state of Louisiana. The consumer assumes all liability for health issues that  
 3        may result from the consumption of this product."

4                B. A farmer who sells cheese made from goat milk or whole milk that has  
 5        not been pasteurized shall permit inspection of the farmer's cows or goats and barns  
 6        by any customer upon request.

7        §936. Rules and regulations

8                The Department of Health and Hospitals may promulgate, in accordance with  
 9        the Administrative Procedure Act, any rules and regulations necessary for the  
 10       administration of this Subpart.

#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Ortego

HB No. 247

**Abstract:** Authorizes the sale of goat milk or whole milk that has not been pasteurized by the producer to the consumer on the premises where the raw milk is produced.

Present law requires all fluid milk, cream, buttermilk, and milk beverages sold, offered for sale, or delivered for the purpose of human consumption to be Grade A according to specifications in the rules and regulations promulgated by the Dept. of Health and Hospitals (DHH).

Proposed law retains present law but adds an exception for raw milk sold pursuant to proposed law.

Present law authorizes DHH to promulgate rules and regulations prescribing the sanitary standard requirements of all milk sold or offered for sale in this state, provided that no rules and regulations shall be promulgated setting up standards lower than those as set forth in the U.S. Public Health Service Milk Ordinance and Code.

Proposed law retains present law but adds an exception for raw milk sold pursuant to proposed law.

Proposed law defines "incidental sales of goat milk and whole milk that has not been pasteurized" as those sales where the average monthly number of gallons sold does not exceed 500 gallons.

Proposed law defines "raw milk" as goat milk and whole milk that has not been pasteurized.

Proposed law defines "whole milk" as the lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, that when offered for sale contains at least 3-1/4% of butterfat and 8-1/4% solids not fat.

Proposed law provides that the term "whole milk" shall not include lacteal secretion obtained within 15 days before or five days after calving or a longer period if necessary to render the milk practically colostrum free.

Proposed law provides that nothing in proposed law shall be construed to prohibit incidental sales of goat milk or whole milk that has not been pasteurized directly to consumers at the farm where the milk is produced or preclude the advertising of incidental sales of goat milk or whole milk that has not been pasteurized.

Proposed law requires the seller of whole milk that has not been pasteurized to do all of the following:

- (1) Post at the point of sale a sign that is no smaller than two feet by four feet that includes all of the following information in large, clear text:
  - (a) The name and address of the farm with seller's contact information.
  - (b) The following statement: "This product, sold for personal use and not for resale, is fresh whole milk that has NOT been pasteurized. Neither this farm nor the milk sold by this farm has been inspected by the state of La. The consumer assumes all liability for health issues that may result from the consumption of this product."
- (2) Affix a label to the bottle or package that includes all of the following information:
  - (a) The name and address of the farm with the seller's contact information.
  - (b) The following statement: "This product, sold for personal use and not for resale, is fresh whole milk that has NOT been pasteurized. Neither this farm nor the milk sold by this farm has been inspected by the state of La. The consumer assumes all liability for health issues that may result from the consumption of this product."

Proposed law requires a farmer who sells fresh unpasteurized whole milk to permit inspection of the farmer's cows and barns by any customer upon request.

Proposed law authorizes the incidental sales of goat milk that has not been pasteurized if all of the following conditions are met:

- (1) The milk is sold directly to the consumer on the premises where the milk is produced.
- (2) No more than nine producing goats are located on the premises where the milk is produced.
- (3) All of the following conditions, which apply to the milking of goats involved in legal incidental sales of raw goat milk, are satisfied:
  - (a) The milking takes place in a clean environment on a cement or comparable floor.
  - (b) The milking place is enclosed by a wall or screen to prevent insects from entering the milking area.
  - (c) A fly strap is located in the milking area.
  - (d) Sterile containers are used in the milking process and for storage.

- (4) A sign is posted at the point of sale that is no smaller than two feet by four feet that includes all of the following information in large, clear text:
- (a) The name and address of the farm with seller's contact information.
  - (b) The following statement: "This product, sold for personal use and not for resale, is fresh goat milk that has NOT been pasteurized. Neither this farm nor the milk sold by this farm has been inspected by the state of La. The consumer assumes all liability for health issues that may result from the consumption of this product."
- (2) There is a label affixed to the bottle or package that includes all of the following information:
- (a) The name and address of the farm with the seller's contact information.
  - (b) The following statement: "This product, sold for personal use and not for resale, is fresh goat milk that has NOT been pasteurized. Neither this farm nor the milk sold by this farm has been inspected by the state of La. The consumer assumes all liability for health issues that may result from the consumption of this product."

Proposed law authorizes raw goat milk to be stored in a separate sterile place from pasteurized goat milk.

Proposed law requires a farmer who sells fresh unpasteurized goat milk to permit inspection of the farmer's goats and barns by any customer upon request.

Proposed law authorizes the sale of cheese made from goat milk or whole milk that has not been pasteurized for the purpose of human consumption if all of the following conditions are met:

- (1) The cheese is cured at a temperature of not less than 35 degrees Fahrenheit for not less than 60 days.
- (2) The cheese is offered for sale by the cheese producer directly to the consumer only on the premises of the farm where the cheese is produced.
- (3) There is a sign posted at the point of sale a sign that is no smaller than two feet by four feet that includes all of the following information in large, clear text:
  - (a) The name and address of the farm with seller's contact information.
  - (b) The following statement: "This product, sold for personal use and not for resale, is cheese made from goat milk or whole milk that has NOT been pasteurized. Neither this farm nor the milk sold by this farm has been inspected by the state of La. The consumer assumes all liability for health issues that may result from the consumption of this product."
- (4) The cheese producer has clearly labeled each container of cheese made from goat milk or whole milk that has not been pasteurized with the following information:
  - (a) The name and address of the farm with the seller's contact information.
  - (b) The following statement: "This product, sold for personal use and not for resale, is cheese made from goat milk or whole milk that has NOT been pasteurized. Neither this farm nor the cheese sold by this farm has been



inspected by the state of La. The consumer assumes all liability for health issues that may result from the consumption of this product."

Proposed law requires a farmer who sells cheese made from goat milk or whole milk that has not been pasteurized to permit inspection of the farmer's cows or goats and barns by any customer upon request.

Proposed law authorizes DHH to promulgate any administrative rules and regulations necessary for the administration of proposed law.

(Amends R.S. 40:921(A) and 922(A); Adds R.S. 40:931-936)